

UNITED STATES COURT OF APPEALS **December 18, 2008**
FOR THE TENTH CIRCUIT **Elisabeth A. Shumaker**
Clerk of Court

In re:

MICKEY-MANAWAY:,

Petitioner.

No. 08-1434
(D.C. No. 1:08-CV-01360-ZLW)
(D. Colo.)

ORDER

Before **TACHA, MURPHY, and GORSUCH**, Circuit Judges.

In this mandamus action, petitioner “Mickey-Manaway:” seeks release from state custody. He sought similar relief, however, from the United States District Court for the District of Colorado. The district court denied petitioner’s “Writ of Assistance Petition against Colorado” on September 22, 2008, based on the determination that petitioner’s request is inextricably intertwined with his state criminal judgment and therefore barred by the *Rooker-Feldman* doctrine. *See Erlandson v. Northglenn Mun. Court*, 528 F.3d 785,789 (10th Cir. 2008), *petition for cert. filed* (U.S. Sept. 23, 2008) (No. 08-7111).

Petitioner is out of time to appeal the district court’s ruling. *See* Fed. R. App. P. 4(1)(a). He cannot obtain review of that decision through a petition for mandamus. “The extraordinary relief of a writ of mandamus is not a substitute for an appeal, and it is not a vehicle to relieve persons of the

consequences of their previous decision not to pursue available procedures and remedies.” *Weston v. Mann (In re Weston)*, 18 F.3d 860, 864 (10th Cir. 1994).

The petition for writ of mandamus is denied and the request to proceed in forma pauperis is also denied.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk